

David R. Vance

From: Manara, Kevin <Kevin.Manara@NFL.com>
Sent: Wednesday, November 23, 2016 12:21 PM
To: David R. Vance
Cc: heather.mcphee@nflpa.com; Briggs, Joe D. (Joe.Briggs@nflpa.com); Patrick J. Hoban; Stephen S. Zashin; Carroll, Meghan; Ward, Travis
Subject: Re: Mike Pennel/Policy and Program on Substances of Abuse

David,

If Mr. Pennel would like to conduct his hearing at the League office on December 6, that is not a problem. Just let me know. That said, be advised that we do not agree with your assertion about what is or is not "the default" process for scheduling hearings under the Policy. There are two arbitrators under this Policy, and this date was assigned to Arbitrator Carter.

We do not consent to an adjournment. Competitive considerations require this appeal to be heard on the scheduled date.

Thanks,
Kevin

From: David R. Vance
Sent: Tuesday, November 22, 2016 6:24 PM
To: Manara, Kevin
Cc: heather.mcphee@nflpa.com; Briggs, Joe D. (Joe.Briggs@nflpa.com); Patrick J. Hoban; Stephen S. Zashin; Devin Brunson (devinsbrunson@gmail.com)
Subject: Mike Pennel/Policy and Program on Substances of Abuse

Dear Kevin:

We are in receipt of the indexed binders related to Mr. Pennel's pending discipline, including your enclosure letter. In your letter, you stated that the appeal hearing would be conducted via teleconference. The Policy and Program on Substances of Abuse ("Policy") provides that "[t]he hearing may be conducted by conference call upon agreement of the Parties." An in-person hearing is the default, and Mr. Pennel has not agreed to waive his right to an in-person hearing. However, we will discuss with Mr. Pennel whether he is amenable to conducting the hearing via a teleconference. In the meantime, is the NFLMC amenable to postponing the appeal to December 13?

Finally, we noticed that you cc'd Arbitrator Carter on your enclosure letter. Did the Notice Arbitrator assign this matter to Arbitrator Carter? Like the Policy on Performance-Enhancing Substances, are there only two arbitrators available under this Policy?

If you would like to discuss this matter, please contact Stephen, Pat, or me.

Best,
David



ZASHIN & RICH

David R. Vance

OSBA Certified Specialist
Labor & Employment Law

[Bio](#) | [Newsletter](#)

Ernst & Young Tower
950 Main Avenue, 4th Floor
Cleveland, Ohio 44113
p: 216.696.4441 f: 216.696.1618

zrlaw.com |

This email and any attachments contain confidential information from the law firm of Zashin & Rich Co., L.P.A. They are intended only for viewing by the named recipient. If that is not you, do not read this email, and notify Zashin & Rich Co., L.P.A. immediately at 216-696-4441. Any viewing, distribution, or copying of this e-mail or its attachments by persons other than the named recipients is prohibited.